IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO.14182 of 2005

Between:

Syed Shamshuddin Quadri, s/o late Kareemuddin Quadri, 59 years,
Hereditary Muttavalli of Durgah Syed Shah Jamalullah Quadri, Alias Shahzadavali,
Adoni, Kurnool District.

...PETITIONER

AND

1. Syed Saheb Quadri, S/o.late Syed Murtaza Quadri, 50 years,Adoni, Syed Shah Jamahullah Quadri, Vengalepuram, Kurnool District.
2. A.P.Wakf Board, Haj House Building, Nampally, Hyderabad, rep.by its Chief Executive Officer.
3. A.P.Wakf Tribunal in the premises of City Civil Court, Hyderabad, rep.by its Presiding Officer.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, especially one in the nature of writ of certiorari: (i) Call for the records pertains to I.A.No.447 of 2003 in O.S.No.15 of 2003 on the file of the 3rd respondent and quash the same. (ii) Direct the 2nd respondent not to pass final orders in Enquiry No.B3/18/KNL/99, till the adjudication of O.A.No.15 of 2003 by the 3rd respondent.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondents: MR.A.M.QURESHI

S.M.Subhani, SC for A.P.Wakf Board

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO.14182 of 2005

-

ORDER:

The Writ Petition is directed against the order dated 10.11.2003 of the Wakf Tribunal rejecting I.A.No.447 of 2003 filed by the petitioner in O.S.No.15 of 2003. The petitioner claims appointment as Muttavalli for the Darga of Syed Shah Jamalullah Quadri Alias Shahzada Vali, situated at Vangalapuram Village, Adoni Taluk, Kurnool District. As the Wakf Board was not considering his application for the Muttavalliship, he preferred a Writ Petition and by a common judgment dated 23.02.1999 in W.A.No.2178 of 1998 and W.P.No.18550 of 1995, this Court on noticing the conflicting claims between the petitioner and one Syed Dastagiri Basha Quadri for the said Muttavalliship, directed the Wakf Board to decide the controversy between the parties and pass appropriate orders on the appointment of Muttavalli for the Darga within the specified date after affording an opportunity to the contesting parties. Thereafter, it would appear that the first respondent herein made an application dated 08.03.1999 to the second respondent/Board to be heard in the matter of the petitioner's claim for Muttavalliship. The said plea was acceded to by the second respondent and a notice was issued to the first respondent herein

enabling him to participate in the proceedings/enquiry into the claim of the petitioner for appointment as a Muttavalli. Aggrieved by the action of the second respondent/Board in permitting the first respondent to participate in such enquiry, the petitioner filed I.A.No.447 of 2003 before the Enquiry Officer requesting that the first respondent be not heard in the enquiry. This claim was rejected by the Enquiry Officer as against which, the petitioner preferred O.S.No.15 of 2003 before the third respondent/Wakf Tribunal. The petitioner also filed I.A.No.447 of 2003 seeking stay of all further proceedings in the enquiry pending disposal of the substantive appeal. This application, I.A.No.447 of 2003, was rejected by the Wakf Tribunal on the ground that there was nothing in the judgment dated 23.02.1999 of this Court which disables the first respondent from participating in the enquiry into the petitioner's claim for appointment as Muttavalli. It is conceded by the petitioner that the first respondent herein is presently managing the Darga as the President of a Committee appointed to oversee the administrative management of the Darga in the absence of a Muttavalli. In that status as well the first respondent could legitimately be heard on the petitioner's claim for appointment as a Muttavalli. In the circumstances, this Court discerns no grounds for interference.

The Writ Petition is dismissed. No costs.

-

-

-

(GODA RAGHU RAM, J)

8th July 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Chief Executive Officer, A.P.Wakf Board, Haj House Building, Nampally, Hyderabad.
2. The Presiding Officer, A.P.Wakf Tribunal in the premises of City Civil Court, Hyderabad.
3. Two CD copies.